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**From:** Nathan Cochran [ncochran@jcpawv.org]  
**Sent:** 11/8/2019 9:53:29 PM  
**To:** Stein, Jonathan [Stein.Jonathan@epa.gov]  
**CC:** Bell, Aaron L. [Bell.Aaron@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Stephanie Grove [sgrove@jeffersoncountywv.org]  
**Subject:** Complaint 04R-19-R3

Jonathan:

I received the redacted copy of the complaint in this case via FOIA yesterday, 11/7/19. Based on the timeline stated in the initial letter notifying me that the Complaint had been accepted, (which we received about October 18, 2019) I believe I may only have until Friday of next week to file my response to be certain I have my response to you within the 30 day deadline. The Complaint with attachments is about 146 pages, with numerous parties and issues, and I have a trial next week, with Monday being a holiday...

Consequently, I am seeking an extension of time to file my response to the complaint. I request, at a minimum, 30 days from today to file a response. I would prefer 45 -60 days, due to the numerous parties and issues, and considering that I may have to call meetings of various boards in the County before they can take official action, which takes time for public notice and agendas to be filed before meetings can be called. Additionally, there are at least two holidays looming within 30 days.

Please advise as to your position on this request for extension at your earliest convenience.

Jefferson County Prosecuting Attorney's Office  
Nathan P. Cochran, Assistant Prosecuting Attorney  
124 East Washington Street  
Charles Town, West Virginia 25414  
304.728.3318

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**From:** Stein, Jonathan [mailto:Stein.Jonathan@epa.gov]  
**Sent:** Tuesday, October 29, 2019 2:55 PM  
**To:** Nathan Cochran <ncochran@jcpawv.org>  
**Cc:** Temple, Kurt <Temple.Kurt@epa.gov>; Collazo, Beatriz <collazo.beatriz@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>  
**Subject:** RE: Procedural Safeguards for JCC

Thank you for the notification letting me know you were successful in filing. I am copying Dale as well as the FOIA coordinators for FOIA for both my team and OGC overall to look out for this.

Best Regards,

Jonathan M. Stein  
Attorney Advisor  
Office of General Counsel – External Civil Rights Compliance Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460

202/564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Nathan Cochran <[ncochran@icpawv.org](mailto:ncochran@icpawv.org)>  
**Sent:** Tuesday, October 29, 2019 2:46 PM  
**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Subject:** RE: Procedural Safeguards for JCC

Jonathan:

FYI, I submitted the following FOIA request through the link you provided. Since my response is due within a three weeks, I am sending you the request via email as a heads up to facilitate your reparation for your response:

I am general counsel for the County Commission of Jefferson County, West Virginia, which is the local governing body for Jefferson County. On behalf of the Commission, I request the following documents: 1. The administrative complaint against the Jefferson County Commission, No. 04R-19-R3 which has been accepted by the EPA's External Civil Rights Compliance Office (ECRCO). I have attached a letter from ECRCO to our county administrator notifying the County of the acceptance of this complaint for your reference. 2. All supporting documents and exhibits to the aforementioned complaint.

Thanks again,

Jefferson County Prosecuting Attorney's Office  
Nathan P. Cochran, Assistant Prosecuting Attorney  
124 East Washington Street  
Charles Town, West Virginia 25414  
304.728.3318

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**From:** Stein, Jonathan [mailto:Stein.Jonathan@epa.gov]

**Sent:** Tuesday, October 29, 2019 11:36 AM

**To:** Nathan Cochran <ncochran@jcpawv.org>

**Subject:** RE: Procedural Safeguards for JCC

Hi Nathan-

I am trying just you again on the FOIA information. Per EPA FOIA regulation at 40 C.F.R. §§ 2.101-2.102, in order for us to provide the complaint itself, you will need to file a Freedom of Information Act (FOIA) request. You may do that by visiting <https://foiaonline.gov/foiaonline/action/public/home> and clicking "Create Request". The content of your request can be as straightforward as asking for the Jefferson County Commission complaint, No. 04R-19-R3 and referencing ECRCO in your request. As soon as we receive your FOIA request back from the National FOIA Office, we will process it for you. Content may be partially withheld pursuant to FOIA exemption(s) applicable for personal privacy information.

We will send the jurisdictional materials under separate cover.

Best Regards,

Jonathan M. Stein

Attorney Advisor

Office of General Counsel — External Civil Rights Compliance Office

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460

202/564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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**From:** Nathan Cochran <ncochran@jcpawv.org>

**Sent:** Tuesday, October 29, 2019 11:07 AM

**To:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Stephanie Grove <[sgrove@jeffersoncountywv.org](mailto:sgrove@jeffersoncountywv.org)>

**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Bell, Aaron L. <[Bell.Aaron@epa.gov](mailto:Bell.Aaron@epa.gov)>; Monson, Mahri

<[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Pantziris, Jack <[Pantziris.Jack@epa.gov](mailto:Pantziris.Jack@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>

**Subject:** Procedural Safeguards for JCC

Thanks, Jonathan, for the information. I appreciate your prompt assistance and the willingness of you and the others to participate in our conference call today about the procedures in this case.

Also, to follow up on a couple of other issues in our conference call, I did not receive the FOIA information, which I need because I want to see the complaint in this case. I did check our spam, so could your office please re-send the information?

Additionally, it was my understanding that you or one of the other call participants were planning to provide me with some form of documentation that shows how Jefferson County, WV has received

funds from the EPA or the WV DEP that would bring us within the jurisdiction of the External Civil Rights Compliance Office.

Thanks again for your help!

Jefferson County Prosecuting Attorney's Office  
Nathan P. Cochran, Assistant Prosecuting Attorney  
124 East Washington Street  
Charles Town, West Virginia 25414  
304.728.3318

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**From:** Stein, Jonathan [<mailto:Stein.Jonathan@epa.gov>]  
**Sent:** Tuesday, October 29, 2019 10:42 AM  
**To:** Nathan Cochran <[ncochran@jcpawv.org](mailto:ncochran@jcpawv.org)>; Stephanie Grove <[sgrove@jeffersoncountywv.org](mailto:sgrove@jeffersoncountywv.org)>  
**Cc:** Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Bell, Aaron L. <[bell.aaron@epa.gov](mailto:bell.aaron@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Pantziris, Jack <[Pantziris.Jack@epa.gov](mailto:Pantziris.Jack@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>  
**Subject:** [Possible Spam] Procedural Safeguards for JCC

Good Morning –

As promised during our call earlier today, I am providing our standardized “Procedural Safeguards Checklist” in two formats. This Checklist refers to the Procedural Safeguards items in Issue #2 from the acceptance letter, and is broken down into more detail on each item than we would have been able to present in the acceptance letter. The Word version of the Checklist is provided as a way for you to document the process of filling in your own self-assessment of where the JCC stands on each issue presented. The Checklist presented as a PDF is merely provided for your future use.

The JCC may already have these item(s) in place, and you will see that you would be able to note that on the Checklist during your own review. If you have something on the Checklist already in place that you would like to bring to our attention, please do not hesitate to do so. If the JCC does already have item(s) in place, your forthcoming written response to the complaint acceptance would seem to be a logical place to include the supporting documentation for those.

Again, thank you for your time and consideration. We look forward to speaking with you again shortly. We are also available to provide technical assistance.

Below are a few examples of how some of EPA’s smaller-sized recipients are currently implementing the procedural safeguards to provide information on their websites to the public.

Port of Oakland (CA) - <https://www.portofoakland.com/civil-rights-policies-procedures/?rights-lang=english>  
City of Rochester (NY) - <https://www.cityofrochester.gov/TitleVI/>  
Maricopa County Air Quality Management District (AZ) - <https://www.maricopa.gov/1514/Nondiscrimination-ProgramNo-Discriminaci>  
Orange County (NC) - <https://www.orangecountync.gov/1757/Legal-Notices>

Best Regards,

Jonathan M. Stein  
Attorney Advisor  
Office of General Counsel – External Civil Rights Compliance Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460

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